

CHAPTER 690
Weeds and Grass

	<u>Johnsongrass</u>	690.05	Enforcement.
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CROSS REFERENCES

Virginia Pesticide Control Act - see Code of Va. ' ' 3.1-249.27
to 3.1-249.78

Noxious Weed Law - see Code of Va. ' ' 3.1-296.11 to 3.1-296.21

Cutting weeds on certain property in county - see Code of Va.
' 15.2-901

Removal from right of way - see Code of Va. ' 33.1-209

Agricultural and Forestal District Advisory Committee - see ADM.
Ch. 274

Vegetative waste management and yard waste composting facilities - see
S.U. & P.S. 1080.205

JOHNSONGRASS

690.01 PURPOSE.

The purpose of Sections 690.01 to 690.06 is to control and to attempt to eventually eliminate the existence and growth of a species of grass, *Sorghum halepense*, commonly known as "Johnsongrass," as well as other *Sorghum* species with perennial rhizomes, including perennial sweet sudangrass, sorghum alum and hybrids derived therefrom, which species are hereby declared to be a public nuisance.
(Ord. Unno. Passed 2-20-79.)

690.02 DEFINITIONS.

As used in Sections 690.01 to 690.06:

- (a) "Person" means any individual, firm, corporation or partnership.
- (b) "Landowner" or "lessee of land" includes the Commonwealth and any political subdivision thereof, as well as any other private or public landowner or lessee of land.
- (c) "Johnsongrass" includes *Sorghum halepense* and other *Sorghum* species with perennial rhizomes.
- (d) "Committee" means the Johnsongrass Control Committee.
(Ord. Unno. Passed 2-20-79.)

690.03 PROHIBITED ACTS.

(a) No person shall willfully, knowingly and intentionally allow Johnsongrass to set seed on any land within the County, unless such person is engaged in a good faith attempt or effort to prevent the setting of seed on any land within the County when such seed set occurs.

(b) No person shall willfully, deliberately, knowingly and intentionally import Johnsongrass into the County, or willfully, deliberately, knowingly and intentionally transport, sell or offer to sell Johnsongrass within the County, in any form capable of growth, unless such person in so doing is attempting to control the importation or transportation of Johnsongrass.

(c) No person shall knowingly, willfully, deliberately and intentionally contaminate any land, including roadways, with Johnsongrass through the movement of rootstocks, plant parts, seed, soil, mulch, nursery stock, farm machinery or other media, unless such person, in so doing, is attempting to control the spread of Johnsongrass as provided in Sections 690.01 to 690.06.

(Ord. Unno. Passed 2-20-79.)

690.04 RIGHTS AND DUTIES OF LANDOWNERS AND COUNTY.

(a) Each landowner and lessee of land within the County shall mow, fallow, treat with herbicides or use such other practices as may be approved by the Johnsongrass Control Committee for the purpose of controlling Johnsongrass and administering Sections 690.01 to 690.06. Any landowner or lessee of private or public land may enter into a written compliance agreement with the Committee, which agreement shall specify the terms and conditions of the Johnsongrass control program which must be followed. So long as all such agreed terms and conditions are being complied with, the landowner or lessee of land shall not be in violation of Sections 690.01 to 690.06.

(b) The Board of Supervisors may enter into an agreement with the State Department of Agriculture and Consumer Services for the purpose of controlling Johnsongrass within the County, and may accept funds from such Department as agreed upon.

(c) The Board of Supervisors may hire a Johnsongrass Program Supervisor on a part-time basis to direct and coordinate the County Johnsongrass program, whose duties may include the following:

- (1) Determination of the degree of Johnsongrass infestation;
- (2) The application of appropriate chemical treatment for control of Johnsongrass when needed;
- (3) Mowing Johnsongrass where and when necessary to prevent seed set;
- (4) The purchase or rental of necessary chemical spray and equipment, and the hiring of temporary personnel to operate such equipment, with all costs of such spray, equipment and personnel to be paid for by the landowner on whose property the Johnsongrass is to be eliminated; and
- (5) Training temporary personnel, inspecting equipment and supervising its use.

In the event that no Johnsongrass Program Supervisor is retained, administration of Sections 690.01 to 690.06 shall be under the control and supervision of the Committee. In any event, the Johnsongrass Program Supervisor shall be subject to the control, direction and supervision of the Committee.

(d) The Board of Supervisors shall approve the expenditures of all funds expended pursuant to Sections 690.01 to 690.06.

(e) The Board of Supervisors may accept, use or expend such aid, gift, grant or loan as may from time to time be made available from any source, public or private, for the purpose of carrying out the provisions of Sections 690.01 to 690.06.

(f) Application of sprays and other control and eradication measures shall be the landowner's responsibility and shall be at the landowner's expense. In the event that the Committee finds it necessary or desirable to effectuate control or eradication measures on any land, the County shall pay for fifty percent of the costs of labor, sprays and other chemicals and for equipment purchase or rental for such eradication or control, and the remaining fifty percent of such costs shall be billed to the landowner or lessee of land on whose land the costs were incurred and the service rendered. All such landowners or lessees of land shall reimburse the County for fifty percent of the full amount of such cost incurred. All such reimbursements shall be promptly deposited in a Johnsongrass control account in the General Revenue Fund, and shall revert to the County Fund at the end of each fiscal year, regardless of the date accrued or collected, but an unencumbered and unobligated balance on that date shall be available for reappropriation in the following fiscal years, for any purpose deemed appropriate by the Board of Supervisors. (Ord. Unno. Passed 2-20-79.)

690.05 ENFORCEMENT.

(a) No landowner or lessee of land shall ignore or refuse to comply with the affirmative duties regarding Johnsongrass control imposed by Sections 690.01 to 690.06.

(b) The Johnsongrass Control Committee or its designee shall notify in writing, by registered or certified mail, return receipt requested, any person in violation of Section 690.03 or 690.04 or of any compliance agreement promulgated hereunder. Such notice shall state each violation complained of and shall further state that unless such violator initiates compliance with the requirements of Sections 690.01 to 690.06 within ten days of receipt of such notice, the matter shall be referred to the Commonwealth's Attorney for prosecution of such violation. After such ten-day period has elapsed, any violator who has not initiated compliance as requested may be prosecuted for a violation of Section 690.03 or 690.04.

(c) The Johnsongrass Control Committee shall advise the County Commissioner of Revenue of the names of all persons violating any provision of Sections 690.01 to 690.06 and the location of all property connected with such violation. Pursuant to the standards promulgated by the Commissioner of Agriculture and Commerce for the Commonwealth requiring the control of noxious weeds as a prerequisite for qualification of land as agricultural land under the Special Land Use Assessment Act, the Commissioner of Revenue shall consider such reported violation of Sections 690.01 to 690.06 as a factor in determining whether certain land qualified for special agricultural or horticultural assessment under Section 58.1-3229 et seq. of the Code of Virginia of 1950, as amended.

(d) The refusal of any landowner or lessee of land to permit the Committee, or any member, agent or employee thereof, to enter onto the land of such landowner or lessee, for the purpose of inspection, control or spraying of Johnsongrass, or for any other purpose in carrying out the provisions of Sections 690.01 to 690.06, shall constitute a violation of Sections 690.01 to 690.06 for purposes of reporting any violation to the Commissioner of Revenue as set forth in subsection (c) hereof.

(e) If the Committee, through information known to its members, agents or employees, has reasonable grounds to believe that Johnsongrass exists on any property within the County, and the owner or lessee of that land refuses to permit the Committee or its agents, employees or members to enter on such property to inspect, spray or otherwise control or eradicate the Johnsongrass, the Committee or any member thereof, after requesting permission to enter such property and after such request has been refused, may request the Commonwealth's Attorney or any law enforcement officer of the County to procure a search warrant enabling the Committee to enter onto the property and to inspect, observe and search for Johnsongrass on such property.
(Ord. Unno. Passed 2-20-79.)

690.06 JOHNSONGRASS CONTROL COMMITTEE.

There is hereby established a Johnsongrass Control Committee composed of eighteen members to be appointed by and to serve at the pleasure of the Board of Supervisors, which Committee shall be made up from members of the County agricultural community and which Committee shall have the following duties and responsibilities:

- (a) To promulgate and determine guidelines and regulations for Johnsongrass control and administer the Johnsongrass control program;
- (b) To conduct surveys to determine the location and amount of infestations of Johnsongrass within the County;
- (c) To provide the necessary technical and other assistance to landowners in a cooperative program aimed at controlling or eradicating Johnsongrass; the County to pay the agreed share for labeled chemicals and sprays only; and
- (d) To effect a program of spraying or other control practices on road rights of way, drainage ditch banks, parks, playgrounds, utility rights of way, open land, farm lands, woodlands and other public or private lands.
(Ord. Unno. Passed 2-20-79.)

MUSK AND CURLED THISTLE

690.07 STATE CODE ADOPTED.

There is hereby adopted by and for the County the Virginia Musk Thistle and Curled Thistle Code, Title 3.1, Chapter 13, Article IV, of the Code of Virginia of 1950, as amended, which shall be known as the "Loudoun County Musk Thistle and Curled Thistle Code." (Ord. 91-09. Passed 6-4-91.)

690.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)